

UNITED STATES DISTRICT COURT

WESTERN

DISTRICT OF

TEXAS

UNITED STATES OF AMERICA

V.

EMIR JAMAL DANIELS
[REDACTED]
[REDACTED]

CRIMINAL COMPLAINT

Case Number: EP: 09-m-2828-m(1)

(Name and Address of Defendant)

I, the undersigned complainant state that the following is true and correct to the best of my knowledge and belief. On or about April 23, 2009 in El Paso County, in the Western District of Texas defendant(s) did,

(Track Statutory Language of Offense)

did knowingly transport AC, an individual who had not yet attained the age of 18 years, in interstate commerce with the intent that AC engage in sexual activity for which a person can be charged with a criminal offense, to-wit: the defendant Emir Jamal Daniels transported AC, a fifteen year old female from El Paso, Texas, the Western District of Texas to Chicago, Illinois, with the intent to engage in a sexual activity for which the defendant can be charged with a criminal offense, specifically, Sexual Assault in violation of Texas Penal Code, Section 22.011(a)(2)(a), causing the penetration of the sexual organ of a child; and

did knowingly travel in interstate commerce for the purpose of engaging in illicit sexual conduct with another person, to-wit: the defendant Emir Jamal Daniels traveled by automobile from Chicago, Illinois to El Paso, Texas to engage in a sexual act with AC, an individual under the age of 18, which conduct would be in violation of chapter 109A if the sexual act occurred in the special maritime and territorial jurisdiction of the United States

in violation of Title 18 United States Code, Section(s) 2423(a), 2423(b).

I further state that I am a(n) Special Agent of the FBI and that this complaint is based on the following facts:

Official Title

See attached Probable Cause Statement hereby incorporated by reference as if fully restated herein.

Continued on the attached sheet and made a part of this complaint: X Yes ☐ No

William D. Ware II
Signature of Complainant

SA William D. Ware II

Printed Name of Complainant

Sworn to before me and signed in my presence,

04/25/2009

Date

Richard Mesa, U.S. Magistrate Judge

Name and Title of Judge

at

El Paso, Texas

City and State

Richard P. Mesa

Signature of Judge

PROBABLE CAUSE STATEMENT

1. I, William D. Ware II, hereinafter referred to as Complainant, am a Special Agent of the Federal Bureau of Investigation (FBI). I have been a Special Agent since September 2008. I am currently assigned to the El Paso Field Office where I am assigned to a Cyber Squad investigating computer crime including those related to the Innocent Images National Initiative which targets individuals involved in the on-line sexual exploitation of children.

2. The information contained herein is based upon investigation and interviews conducted by FBI Special Agents.

3. On April 23, 2009, at approximately 10:00 a.m., the complaint desk of the FBI El Paso Division received a telephone call from Gerardo Correa, a resident of [REDACTED]. Gerardo Correa stated his 15 year old daughter was missing. He believed she may have been missing since 1:30 a.m.

4. On April 23, 2009, SA Martha Terrazas interviewed AC's parents. AC's parents said that their daughter, AC, had been communicating, via the internet, with an individual named Jamal. Interviews with several classmates of AC revealed that AC had been communicating with Emir Jamal Daniels for about two years, beginning when AC was approximately 13 years old. In addition, some of these classmates told FBI agents AC said she planned to leave with Daniels. Email communications between AC and Daniels located on the computer AC used in her home, located at [REDACTED], suggested AC may have left El Paso with Daniels.

5. Database checks revealed that Daniels is a 21 year old male who is currently residing at [REDACTED] and is currently a student at DeVry University.

6. FBI agents enlisted the services of cellular telephone provider, Alltel Security Service (Alltel), to attempt to locate Daniels' whereabouts. On April 23, 2009, Alltel personnel determined Daniels' phone was utilizing cellular towers in Midland, Texas, the evening of April 22 and throughout that night his phone was utilizing cellular towers in El Paso, Texas. Alltel checks further revealed that at approximately 11:00 a.m. on April 23, 2009, Daniels' phone was utilizing cellular towers near Pyote, Texas, a town approximately 250 miles east of El Paso, Texas. Pyote, Texas is between El Paso and Midland on I-20. On April 24, 2009, at approximately 7:48 am, Alltel determined Daniels' cellular telephone was being used near Percell, Oklahoma.

7. On April 25, 2009, at approximately 2:00 a.m., Steger, Illinois, Police Department (SPD) Officers drove by Daniels' residence and observed Daniels' vehicle. The SPD Officers notified Supervisory Special Agent Todd Carroll of the FBI Chicago Division who dispatched Special Agent Carrie J. Landau to Daniels' residence.

8. On April 25, 2009, at approximately 2:45 a.m., Special Agent Landau and SPD Officers knocked on the door of Daniels' residence. Daniels answered the door in his underwear. They observed AC in a nightgown standing near a bed.

9. AC was taken from Daniels' residence to the SPD where she was interviewed by Special Agent Landau. During the interview, AC stated that Daniels knew that she was 15 years old. She also stated that Daniels had sex with her while they were still in El Paso, Texas, on April 23, 2009, and again somewhere in Oklahoma. SPD officers took AC to an Illinois hospital for a rape examination and found sperm in her vagina. AC stated Daniels usually communicated with her via email and Yahoo! instant messenger but lately he primarily contacted her via telephone. Access logs provided to the FBI by Yahoo for Daniels' e-mail account indicate Daniels used his Yahoo account from an IP address at his residence in Illinois and from an IP at DeVry University in Illinois as recently as April 21, 2009.

10. Based upon the above information, Complainant has probable cause to believe that on April 23, 2009 and continuing to and including April 25, 2009, Emir Jamal Daniels did knowingly transport a minor across state lines with intent to engage in criminal sexual conduct, in violation of Title 18, United States Code, Section 2423(a) and 2423(b).